

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



June 27, 1994

ALL-COUNTY INFORMATION NOTICE NO. I-16-94

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY AUDITOR CONTROLLERS
ALL COUNTY CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: EMERGENCY ASSISTANCE FOR EMERGENCY SHELTER CARE BEYOND 30 DAYS

REFERENCE: ALL-COUNTY LETTER (ACL) NO. 94-35

The purpose of this letter is to provide counties with a copy of the Division 31 regulations which have been amended to allow for the use of federal funds for emergency shelter care provided beyond 30 calendar days for children of needy families authorized to receive Emergency Assistance (EA) Title IV-A funds.

These regulations were adopted on an emergency basis effective May 9, 1994 and apply to all children whose EA period of eligibility had not expired as of that date. Claiming instructions will be forthcoming from the Fiscal Policy and Procedures Bureau of the California Department of Social Services (CDSS).

Should you have any comments or questions regarding this material or any further questions concerning the EA program, please contact Mr. Lou Del Gaudio in the Children's Services Policy Bureau at (916) 445-2890, or FAX (916) 445-2898.

A handwritten signature in cursive script, reading "Marjorie Kelly".

MARJORIE KELLY
Deputy Director
Children and Family Services Division

Attachment

Amend Section 31-002(e) to read:

31-002 DEFINITIONS (Continued)

31-002

(e) (Continued)

(2) "Emergency Assistance" means the program which supports services to families for the purpose of alleviating emergency situations that meet certain criteria as specified in the Title IV-A State Plan implementing 45 CFR 233.120.

(~~7~~3) (Continued)

(~~7~~4) (Continued)

(~~4~~5) (Continued)

(~~5~~6) (Continued)

(~~6~~7) (Continued)

(78) (Continued)

(~~8~~9) (Continued)

(~~9~~10) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 300(c), 300(e), 306(b), 361, 11400(a), 16501(a)(3), 16501.1(f)(7), and 16503, Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 USC Section 675; Section 1502, Health and Safety Code; 45 CFR 233.120.

Amend Section 31-415 to read:

31-415 EMERGENCY SHELTER CARE

31-415

- .1 Provision of emergency shelter care shall not exceed 30 calendar days in any one ~~incident~~ episode that requires removal of the child/ except as follows:
 - .11 The county shall be permitted to provide emergency shelter care beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
 - .111 Emergency shelter care is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
 - .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.
 - .12 The circumstances permitting extension of emergency shelter care beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.
- .2 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 31 be provided for emergency shelter care beyond 30 calendar days in any one episode/ except as follows:
 - .21 Each county is permitted to utilize county-only funds to draw down federal financial participation under the Emergency Assistance program, with no state share of cost, in order to provide emergency shelter care beyond 30 calendar days in any one episode if:
 - .211 the child is from a needy family authorized to receive Emergency Assistance funding in accordance with provisions in the Title IV-A State Plan implementing 45 CFR 233.120; and
 - .212 the circumstances specified in Section 31-415.1 are documented in the child's case record.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501(a)(3), Welfare and Institutions Code and 45 CFR 233.120.

Amend Handbook Appendix to read:

45 CODE OF FEDERAL REGULATIONS

233.120 Emergency assistance to needy families with children.

(a) Requirements for State plans. A State plan under Title IV, Part A, of the Social Security Act, providing for emergency assistance to needy families with children must:

- (1) Specify the eligibility conditions imposed for the receipt of emergency assistance. These conditions may be more liberal than those applicable to other parts of the plan. (See paragraph (b)(1) of this section for scope of Federal financial participation.)
- (2) Specify if migrant workers with families will be included and, if emergency assistance will not be available to them Statewide, the part or parts of the State in which it will be provided.
- (3) Specify the emergency needs that will be met, whether mass feeding or clothing distribution are included, and the methods of providing payments, medical care, and other remedial care.
- (4) Specify which of the following services will be provided: Information, referral, counseling, securing family shelter, child care, legal services, and any other services that meet needs attributable to the emergency or unusual crisis situations.
- (5) Provide that emergency assistance will be given forthwith.

(b) Federal financial participation. Beginning with the effective date of approval of the amendment to the State plan for AFDC which provides for emergency assistance to needy families with children pursuant to section 406(e) of the Act:

- (1) Federal financial participation is available for emergency assistance to or on behalf of a needy child under the age of 21 and any other member of the household in which he is living if:
 - (i) Such child is (or, within 6 months prior to the month in which such assistance is requested, has been) living with any of the relatives specified in section 406(a)(1) of the Act in a place of residence maintained by one or more of such relatives as his or their own home,
 - (ii) Such child is without resources immediately accessible to meet his needs,
 - (iii) The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him in a home, and

(iv) His destitution or need for living arrangements did not arise because he or such relative refused without good cause to accept employment or training for employment.

(2) The rate of Federal financial participation in expenditures during a quarter as emergency assistance in accordance with the provisions of an approved State plan is 50 percent of the total amount of such expenditures which are (i) in the form of money payments, payments in kind, or such other payments as the State agency specifies, including loans and vendor payments, or medical or remedial care recognized under State law, with respect to or on behalf of individuals described in paragraph (b)(1) of this section; (ii) for the following services provided to individuals described in paragraph (b)(1) of this section, directly by staff of the agency, or by purchase from other sources: information, referral, counseling, securing family shelter, child care, legal services, and any other services that meet needs attributable to the emergency or unusual crisis situations.

(3) Federal matching is available only for emergency assistance which the State authorizes during one period of 30 consecutive days in any 12 consecutive months, including payments which are to meet needs which arose before such 30-day period or are for such needs as rent which extend beyond the 30-day period. Another condition for Federal participation is that the State has a reasonable method of determining the value of goods in kind or services provided for emergency assistance.

1340.15

(Continued)